

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

Matthew Brown

Case No. _____

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

University of Massachusetts Amherst

Jury Trial: (check one) ☒ Yes ☐ No

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Matthew Brown
Street Address	5 Pheasant Run
City and County	East Bridgewater, Plymouth County
State and Zip Code	MA 02333
Telephone Number	774-281-6241
E-mail Address	vticetech@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	University of Massachusetts Amherst
Job or Title <i>(if known)</i>	
Street Address	374 Whitmore Building
City and County	Amherst, Hampshire County
State and Zip Code	MA 01003
Telephone Number	413-545-2211 or 413-545-0111
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

The issue of this case is that UMass Amherst failed to meet its obligations with regard to the federal "Title IX" law under which the plaintiff was entitled to protection and assistance.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Please see attached.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Mr. Brown, the plaintiff, is seeking compensation from UMass Amherst for damages of \$150,000 for the harm to his educational and career prospects, the emotional and psychological damages sustained, attorneys' fees, as well as other economic and non-economic injuries.

Mr. Brown is also seeking justice in the form of a formal apology, in recognition of the University's failure to provide him with the Title IX protections to which he was entitled as a victim.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

5/15/2022

Signature of Plaintiff



Printed Name of Plaintiff

Matthew Brown

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

III. Statement of Claim

I am filing this complaint in order to seek legal remedies from the University of Massachusetts Amherst ("UMass") in compensation for its failure to meet its obligations to me under the Title IX law. I was the victim of explicit sexual harassment by another student on the UMass campus, and requested help from the Dean of Students Office ("DOSO"). I have multiple pieces of evidence showing that I notified the school and repeatedly asked for help, as well as witnesses who were involved in the process or who observed the harassment while it was ongoing. Specifically, I include with this complaint my first email to DOSO on 2/19/19, in which I notified them of the sexual harassment and its negative impact on my educational experience thus far (see Exhibit 1, bottom of page 1).

UMass did not complete a formal Title IX investigation to my knowledge, nor did they provide me with adequate protection as the other student continued to harass me. The dean who was assigned to my case essentially put the responsibility back on me to enforce my own "boundaries" and dismissed the matter before it was resolved. When I later reached out to DOSO again as the harassment had escalated into more public settings and new stalking behaviors, my requests for help went unanswered. I believe that DOSO made an informal determination that I was not worth helping for some unfair reason, as they refused to provide me with reasonable forms of assistance that other students in similar situations have received.

The impacts to my educational experience, social experience, mental health, and subsequent career and economic opportunities have been significantly detrimental, and are still ongoing.

I sought to resolve this matter prior to bringing this complaint into court by hiring an attorney to seek an apology and a settlement from UMass. The response was disappointing as UMass asserted that I had not alerted DOSO of the continued harassment, although I did ask for help as documented in my email dated 5/13/19 (while the university's inaction continued)(see Exhibit 2). At this point it is clear that UMass does not intend to resolve the matter. I attach here my attorneys' outreach efforts to show my sincere attempt to seek closure and justice, which UMass did not honor with the same sincerity (see Exhibits 3 and 4). The university continued to assert that it does not have liability under Title IX, while my attorney's retainer was exhausted. I have no further means to negotiate with UMass, and ask the court to accept this case in hopes that I may finally receive some justice as a victim.

Further details regarding the damages I have sustained are within the letter from my attorney to UMass dated 1/3/22 (see Exhibit 3, pages 8-9).

Please also see the tolling agreement signed by both my former attorney and a UMass attorney, extending any statutes of limitations through 5/31/22 (see Exhibit 5).

Thank you,

-Matthew Brown